

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WISCONSIN
Court Minutes and Order

CHAPTER: 13
DATE: November 26, 2013
JUDGE: G. Michael Halfenger
CASE NO.: 2013-33118
DEBTOR: Toya S. Jones
NATURE OF HEARING: Debtor's application to employ DeLadurantey Law Office, LLC, as special counsel
APPEARANCES: Nathan DeLadurantey, appearing for the debtor
Heidi Miller, appearing for the debtor
Rebecca Quiroz, staff attorney for the chapter 13 trustee
COURTROOM DEPUTY: Amanda Sippel

The court explained that although there was no objection to the debtor's application—and it seems that it is otherwise proper to approve—it appears that the Bankruptcy Code neither authorizes nor requires chapter 13 debtors to receive court approval to hire an attorney. Ms. Quiroz explained that the trustee's office requires applications from chapter 13 debtors to hire professionals to ensure that all interested parties receive notice of such employment, but could not point to any statutory authority to support the trustee's practice.

Accordingly, IT IS ORDERED that the debtor's application is conditionally DENIED as unnecessary, see *In re Tirado*, 329 B.R. 244, 248–51 (Bankr. E.D. Wis. 2005), pending the future possible submission of a brief from the trustee explaining why this application is necessary. The debtor may employ DeLadurantey Law Office, LLC, as special counsel and proceed with her state-court action.

IT IS FURTHER ORDERED that the trustee may submit a brief providing statutory direction as to why it is necessary for a chapter 13 debtor to seek court approval to hire professionals, including attorneys that will pursue actions outside of the debtor's bankruptcy, by the end of the day of January 10, 2014. Debtor's counsel may also submit a brief addressing this issue but is not required to do so.

SO ORDERED.
November 27, 2013



G. Michael Halfenger
United States Bankruptcy Judge